

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIAM CULHANE,

Plaintiff,

v.

WAL-MART SUPERCENTER,
d/b/a WAL-MART STORES, INC.,

Defendant.

Case No. 2:17-cv-13061

District Judge Arthur J. Tarnow

Magistrate Judge Anthony P. Patti

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL (DE 15), AS NARROWED BY THE JOINT
STATEMENT OF UNRESOLVED ISSUES (DE 25), and HOLDING IN
ABEYANCE PLAINTIFF'S MOTION FOR ORDER TO SHOW CAUSE
(DE 12)**

In this lawsuit, Plaintiff alleges negligence and premises liability. Currently before the Court are Plaintiff's July 2, 2018 motion for order to show cause and July 10, 2018 motion to compel, each of which Judge Tarnow has referred to me for hearing and determination and regarding which Defendants have filed responses. (DEs 12, 14-17, 18, 22-23.) Although a hearing was originally noticed for August 16, 2018, it was renoticed for September 6, 2018, at which point attorneys Jonathan R. Marko and Richard G. Szymczak appeared in my courtroom. (DEs 19, 20, 24.) By that time, the parties had resolved the motion to compel,

except to the extent that it concerned Plaintiff's second request for production of documents No. 13. (DE 25.)

For the reasons stated on the record, all of which are incorporated herein by reference, Plaintiff's motion to compel (DE 15), as narrowed by the joint statement of unresolved issues (DE 25), is **GRANTED IN PART** and **DENIED IN PART**. Specifically, Defendant's objections based on relevance, proportionality and undue burdensomeness are overruled. Defendant's objection based on overbreadth is sustained, but only to the extent it contested the 15-year time period. In sum, no later than **Thursday, September 20, 2018**, Defendant shall respond to Plaintiff's second request for production of documents No. 13, limited to a period of 10 years prior to the date of the incident in question.

Finally, Plaintiff's motion for order to show cause (DE 12) is **HELD IN ABEYANCE**. No later than **Thursday, September 20, 2018**, the parties shall either request a new hearing date or present a stipulation and order resolving this motion, or Plaintiff shall withdraw his motion.

Dated: September 4, 2018

s/ *Anthony P. Patti*
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE

Certificate of Service

I hereby certify that a copy of the foregoing document was sent to parties of record on September 6, 2018, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti